

July 14, 2008

**Update for the Release of Information for Communicable Disease
Investigations Rulemaking (9 A.A.C. Chapter 6, Article 1, R9-6-102)**

A.R.S. § 36-136(H)(1) states that the Arizona Department of Health Services (Department) shall “define and prescribe reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases.” The current R9-6-102 addresses the release of protected health information to the Department or a local health agency if the information is requested for the purpose of detecting, preventing, or controlling disease, injury, or disability.

In investigating many types of communicable diseases, the Department or a local health agency may require information that does not meet the definition of protected health information and, thus, would not be covered under R9-6-102. For instance, in investigating a food-borne disease, the Department or a local health agency may require information from food suppliers or retail stores. In investigating a case of Legionnaire disease at a hotel, the Department or a local health agency may require information about the guests of the hotel at the time.

The Department has posted a draft revision of R9-6-102 on the Department’s website for informal public comment. The revised rule will expand the scope of the information that is required to be released to the Department or a local health agency when the Department or the local health agency is investigating a report of a communicable disease case or outbreak.

The Department has received informal public comments on the posted draft rule, some expressing support for the draft revised rule and others asking about the scope of the information that may be requested. The Department is reviewing the draft rule to determine the need for change.

Stakeholders can communicate their issues and concerns to Ruthann Smejkal, Rules Analyst for the Department, by e-mail at smejkar@azdhs.gov, by phone at 602-364-1230, or by fax at 602-364-1150.